

PROPOSED DECISION

Agenda ID #12636 (Rev. 1)

Ratesetting

1/16/2014 Item 10

Decision **PROPOSED DECISION OF ALJ VIETH** (Mailed 12/12/2013)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Southern California Edison Company
(U338E) for a Certificate of Public
Convenience and Necessity Concerning
the Tehachapi Renewable Transmission
Project (Segments 4 through 11).

Application 07-06-031
(Filed June 29, 2007)

(See Appendix for a List of Appearances)

DECISION GRANTING, IN PART, THE PETITION OF SOUTHERN CALIFORNIA EDISON COMPANY FOR MODIFICATION OF DECISION 13-07-018

1. Summary

This decision addresses the Petition for Modification of Decision (D.) 13-07-018 filed by Southern California Edison Company (SCE) and grants that request in part. We approve SCE's request to remove the Basic Insulation Level study requirement. We also authorize SCE to include voltage control equipment (referred to in D.13-07-018 as reactive compensation) as part of the construction of Segment 8A. Accordingly, we increase the reasonable maximum cost for Segments 4 through 11 of the Tehachapi Renewable Transmission Project by \$23 million, which D.13-07-018 identified as the approximate cost based on SCE's preliminary engineering.

SCE advises that the estimates that underlie the reasonable maximum cost (as first approved by D.09-12-044 and subsequently modified by other decisions in this docket) have increased significantly and that the increases will be detailed for true up in its subsequent advice letter filing, as previously ordered. Given the number and magnitude of projected cost increases, we question whether an advice letter review continues to be appropriate rather than review by petition for modification or new application. Therefore, on our own motion we provide notice that we will ask for briefs on this issue. The assigned Commissioner, by subsequent ruling, will describe the scope and schedule for those briefs.

2. Background and Procedural History

By Decision (D.) 09-12-044, issued on December 24, 2009, the California Public Utilities Commission (Commission) granted Southern California Edison Company (SCE) a Certificate of Public Convenience and Necessity (CPCN) to construct Segments 4 through 11 of the Tehachapi Renewable Transmission Project (the Project), using the Environmentally Superior Alternative, and subject to the mitigation measures and other conditions the decision adopts. The Commission determined that review of the Project had occurred in compliance with the California Environmental Quality Act (CEQA) and therefore, consistent with lead agency responsibilities under CEQA, the Commission certified the Final Environmental Impact Report (Final EIR or FEIR).¹ The Commission also

¹ Because approximately 47 miles of the Project cross national forest, SCE also filed an application for a Special Use authorization with the United States Forest Service (Forest Service), which is part of the United States Department of Agriculture. The Forest Service performed a concurrent review under the National Environmental Policy Act (NEPA) and prepared a Supplemental Environmental Impact Statement, or Supplemental EIS.

determined that the Project complied with the Commission's electromagnetic field guidelines.

By D.13-07-018, issued on July 16, 2013, the Commission granted a Petition for Modification of D.09-12-044 filed by the City of Chino Hills (Chino Hills). That decision modifies the design for Segment 8A and requires SCE to underground approximately 3.5 miles within a Right-of-Way in Chino Hills; it also releases the construction stay on Segment 8A imposed by prior decisions in this docket. Recently, by D.13-10-062, we granted SCE's October 17, 2011, Petition for Modification of D.09-12-044 and thereby authorized certain design changes the Federal Aviation Authority recommended to improve aviation safety.

SCE filed this Petition for Modification of D.13-07-018 on September 9, 2013. The petition seeks authority regarding the voltage control equipment discussed in today's decision and asks for a deferral of any related adjustment to the reasonable maximum cost. No protests were filed; Chino Hills filed a response on October 1, 2013, and the Office of Ratepayer Advocates (ORA) filed a response on October 8, 2013. Both responses are timely. SCE requested and received leave to file a reply and did so on October 21, 2013. The reply is timely.

As we have in prior decisions in this docket, we provide context for our review of SCE's petition by repeating D.09-12-044's summary description of the Project:

The Project is a portion of the Tehachapi Renewable Transmission Project (TRTP). The TRTP is designed to provide access to up to 4,500 megawatts (MW) of renewable energy generation, primarily wind energy, from the Tehachapi Wind Resource Area in Kern County and to deliver it to load in Los Angeles and San Bernardino counties. We approved Segment 1 in Decision (D.) 07-03-012 and Segments 2-3 in D.07-03-045, which together form

the Antelope Transmission Project (ATP), which will deliver approximately 700 MW of the total TRTP carrying capacity. (D.09-12-044 at 2.)

Following D.09-12-044's convention, this decision will continue to refer to Segments 1-11, collectively, as the TRTP and to Segments 4-11 as the Project.

We discuss the pending petition's content in more detail below.

3. Rule 16.4 Requirements

Rule 16.4 of the Commission's Rules of Practice and Procedure governs the filing of petitions for modification. First we note that the Commission directed SCE to file a petition within 60 days of the issuance of D.13-07-018 if it wished to seek specific changes and SCE has complied.

Second, consistent with Rule 16.4(b), SCE has included the "specific wording" to effectuate the modifications it seeks and likewise has complied with the requirement that "[a]llegations of new or changed facts must be supported by an appropriate declaration or affidavit." Attachment D to SCE's petition includes proposed revisions to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs for D.13-07-018. Attachments A, B, and C, respectively, are the declarations of Charles Adamson (Adamson), SCE's Principal Manager of Large Transmission Projects in Transmission and Distribution and the acting Project Manager for licensing for the Project; Rachel Mosier (Mosier), a Senior Engineer and Vice President of SCE's consultant, Power Delivery Consultants, Inc.; and Jorge Chacon (Chacon), SCE's Manager of Generation Interconnection Planning. All were expert witnesses in the evidentiary hearings that resulted in

D.13-07-018.² Though we do not adopt SCE's proposed wording verbatim, SCE has supported its request within the context of Rule 16.4(b).

4. Discussion

4.1. Basic Insulation Level (BIL) Study/Voltage Control

In D.13-07-018, the Commission declined to authorize SCE to include approximately \$23 million in voltage control equipment (referred to in the underlying record and in D.13-07-018 as reactive compensation) that SCE had included in its preliminary engineering design for UG5. Instead, the Commission determined that BIL (which the record defined as Basic Insulation Level) could be a less costly option for ensuring the safety and reliability of the 500 kilovolt (kV) Mira Loma-Vincent transmission line.

Therefore, in Ordering Paragraph 5 of D.13-07-018, the Commission directed:

If Southern California Edison Company (SCE) wishes the Commission to amend the cost cap adopted in Ordering Paragraph 4, above, to include a reasonable sum for development and implementation of a Basic Insulation Level (BIL) standard in the design of UG5 (or for reactive compensation, if BIL is shown to be impracticable), SCE shall file and serve a petition for modification of this decision within 60 days of the date of this decision. Such petition must include a report on the cost and timeline for developing an appropriate BIL standard and for implementing it, based on the level of detail that the Commission's Energy Division may reasonably specify and, shall be supported by one or more declarations executed by knowledgeable persons under penalty of perjury, as provided by California law.

² Further, SCE's reply includes as Attachment A, the declaration of Roman Vazquez III (Vazquez), the SCE's Principal Project Engineer for the TRTP.

SCE's petition asks us to remove the BIL study requirement and to authorize SCE to construct voltage control equipment on the Mira Loma-Vincent line as part of UG5. SCE's petition states, with reference to the attached declarations of its expert witnesses, Adamson, Mosier, and Chacon:

Based on additional research, it has become evident that BIL and voltage control equipment are different and mitigate different risks. [fn omitted.] While a shunt reactor is a separate *component* of a transmission system that regulates or controls the voltage, BIL is a *rating* given to all or nearly all components of a transmission system. [fn omitted.] BIL is more accurately defined as "Basic Impulse Level" or "Basic Impulse Insulation Level," which represents the "strength" of equipment's insulation for a high-voltage impulse. [fn omitted.] BIL is the lightning impulse withstand voltage of a system or piece of equipment, not the normal, steady-state power frequency operating voltage. [fn omitted.]

...

Shunt reactors, on the other hand, are a system component designed to mitigate the risk of a voltage rise above equipment rating on the open end of transmission line during steady-state conditions, where the line is opened at one end and not the other; or under lightly loaded conditions ... The BIL rating of system components would not be relevant to address or mitigate voltage issues under steady-state conditions or caused by the Ferranti effect. [fn omitted.] (SCE petition at 16-17, emphasis in original.)³

³ SCE's witness Mosier describes the Ferranti Effect, thus: "A capacitive current flowing through an inductance (i.e., through the transmission lines and transformer to the generator) causes a voltage rise across the inductor, known as the Ferranti Effect. This effect is at its worst during light-load conditions, when the system voltage rise may be more than 110% of the nominal rating for which most power system components are designed." (SCE petition, Mosier declaration at Attachment B, paragraph 4.)

Both Chino Hills and ORA are persuaded by this part of SCE's request, as are we. The information in the Adamson, Mosier, and Chacon declarations adequately establishes that some kind of voltage control is necessary to ensure safe and reliable operation of the transmission line and that BIL is not a viable alternative to voltage control equipment such as shunt reactors, etc. We conclude that SCE need not complete a BIL study.

Chino Hills raises concerns, however, about other parts of SCE's petition: (1) how much voltage control is needed, and (2) where it will be installed. Chino Hills points out that SCE projected, in the record underlying D.13-07-018, the need for about 450 Megavolt-ampere reactive (Mvar) of reactive compensation at the Mira Loma Substation. Chino Hills queries the seeming vagueness in SCE's petition about both quantity and location of voltage control. SCE's reply addresses these concerns directly.

Regarding location, the reply references two attachments, (1) the Vazquez declaration, and (2) a Google earth satellite view of the Mira Loma Substation, as evidence that SCE intends to install voltage control within the existing footprint of the substation and will not extend the substation. Regarding amount, SCE clarifies that because UG5, the approved undergrounding option, is two cables per phase (rather than the three cables per phase option SCE had preferred), the voltage control necessary would be less than 450 Mvar and would require fewer single phase inductor units. The Vazquez declaration states that SCE is still performing preliminary engineering for UG5; consequently, while the voltage control configuration has not been fully defined, the smaller footprint likely will require "an additional 500 kV dead-end rack to facilitate the crossing of an existing 500 kV line." (SCE reply, Vazquez declaration at Attachment A, paragraph 6.)

Though final engineering will further refine the voltage control configuration, the evidence available is sufficient for us to authorize SCE to build not more than 450 Mvar in reactive compensation/voltage control within the Mira Loma Substation footprint as part of its construction of UG5 in Segment 8A. Given the minor nature of these design changes over the alternatives already reviewed in the certified EIR and Addendum, we see no need for additional environmental review under CEQA.

4.2. Adjustment of Reasonable Maximum Cost for Voltage Control

SCE suggests that today's decision need not contain a finding on the reasonable cost for the voltage control equipment or increase the existing reasonable maximum cost by that amount. SCE asks the Commission to defer the finding "and instead [to] address the issue when SCE seeks to amend the Commission's maximum prudent cost finding for the overall project." (Petition at 2.)

Both Chino Hills and ORA question why the cost should not be adjusted in today's decision to reflect the approximately \$23 million estimate for reactive compensation based on evidence in the record underlying D.13-07-018. Both refer to the reasonable maximum cost as a "cost cap"; so do D.13-07-018 and D.13-10-062. SCE takes exception to that term. SCE argues that Pub. Util. Code § 1005.5⁴ does not use the term and moreover, that because this Commission lacks jurisdiction to set transmission rates, we cannot set a cost cap. We address this issue first and then the merits.

⁴ Unless provided otherwise, all subsequent references to statute means the Public Utilities Code.

Section 1005.5, which applies whenever a Commission-regulated gas or electric utility seeks authority to build or extend any plant if the estimated cost is more than \$50 million, requires the Commission to specify “a maximum cost determined to be reasonable and prudent for the facility” when it issues the CPCN. (§ 1005.5(a).) SCE is correct that the statute does not contain the words “cost cap.” The statute covers various, subsequent scenarios and as relevant here, provides that where construction costs exceed the specified reasonable maximum cost, the utility may seek an increase by application. Thus, once the reasonable maximum cost has been established, it does serve as a cost cap in the sense that unless the utility seeks and receives an adjustment, no other costs may serve as the basis for rates set by this Commission.

Regarding SCE’s rate setting argument, we do not dispute the jurisdiction of the Federal Energy Regulatory Commission (FERC) to set transmission rates for the TRTP and nothing in today’s decision or in our past decisions in this docket purports to set transmission rates. However, § 1005.5 does not exempt major transmission lines from the charge that we establish a reasonable maximum cost when we issue a CPCN.

We agree with Chino Hills and ORA that the reasonable maximum cost (or cost cap) set by D.09-12-044, as subsequently modified, should be increased by \$23 million. SCE’s reply argues that its \$23 million estimate for the cost of 450 Mvar is not only dated now but does not properly estimate the actual costs of reactive compensation for UG5, which actually could be higher than its prior estimate. Regarding the latter, the Vazquez declaration states that though UG5 may require fewer inductors, it will require an additional 500 kV dead-end rack. This does not persuade us to reach a different conclusion. While D.09-12-044 authorizes SCE to request a true up by advice letter filing, there is no reason we

should avoid incremental adjustment to the reasonable maximum cost at the same time that we approve fundamental changes in the Project's design. We have enough information in the record to adjust the cost cap and it makes sense to act on that information concurrently. As is the case with any other cost components for the Project, SCE can document the actual cost when it requests a true up, and can explain the reasons the estimate proved to be too low (or too high).

Accordingly, we increase the reasonable maximum cost (or cost cap) for the Project by \$23 million.

4.3. Future True Up of Reasonable Maximum Cost

Because the reasonable maximum cost for TRTP is based largely on cost estimates tied to preliminary engineering, D.09-12-044 contemplates a subsequent true up may be necessary and provides:

Once Southern California Edison Company has developed a final detailed engineering design-based construction estimate for the final route of the Tehachapi Renewable Transmission Project (Segments 4-11), Southern California Edison Company shall, within 30 days, file with the Commission an advice letter with the revised cost estimate and seek an adjustment of the maximum reasonable and prudent costs pursuant to Public Utilities Code Section 1005.5(b). (D.09-12-044, Ordering Paragraph 4.)

SCE has advised that it is preparing an advice letter for a true up of Project construction costs. D.09-12-044 sets a reasonable maximum cost for the Project of approximately \$1.523 billion (in 2009 dollars). D.13-07-018 increases the reasonable maximum cost by \$224 million (in 2013 dollars) for construction of UG5. Today's decision adds \$23 million (in 2013 dollars). But the actual costs are expected to be significantly greater than the sum of these separate estimates. On this point, D.13-07-018 quotes SCE as follows:

As of January 2013, SCE had completed approximately 80% of the physical construction of Segments 4-11, which amounted to approximately \$1.288 billion at that time. Since then, SCE has been completing much of the final engineering for the remaining work of the Approved Project. Accordingly, SCE continues to refine and update its cost estimate for the Approved Project, which is anticipated to be at least \$1.767 billion. When escalated for inflation, the total project cost estimate for segments 4-11 increases to approximately \$1.932 billion (in 2013 dollars). (D.13-07-018, footnote 2 at 4, quoting SCE Opening Brief at 55.)

We question, given the amount of the cost increase SCE projects, whether an advice letter review continues to be appropriate. Therefore, on our own motion we provide notice that we wish to review whether true up of the maximum reasonable cost for the Project should occur by advice letter, as D.09-12-044 directs, or instead should be made by petition for modification (or new application). We will seek briefs on this issue and the assigned Commissioner, by subsequent ruling, will describe the scope and schedule for those briefs. After review of the briefs, we will determine whether to modify Ordering Paragraph 4 of D.09-12-044 and subsequent decisions in this docket which follow its direction.

5. Comment on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on January 2, 2014 by SCE. No other comments were filed.

SCE states that while it disagrees with the Commission's determination to increase the reasonable maximum cost cap by \$23 million for voltage control in this decision rather than deferring that cost assessment, SCE "does not currently seek changes to the [proposed decision] on this issue in the interest in

minimizing the risk of further delay to the Project...” (SCE comments at 2.) SCE states that it does not agree that \$23 million accurately reflects the cost and will provide actual costs in a subsequent true up. SCE also states that while it believes true up by advice letter is appropriate:

SCE will voluntarily submit a new petition for modification of D.09-12-044 (as so modified by D.13-07-018 and by [today’s decision] when SCE seeks to adjust the finding of maximum cost for the Project to minimize the further delay and unnecessary legal proceedings that will distract focus from the completion of this critical transmission project. (SCE comments at 2-3.)

Accordingly, we have modified the proposed decision’s Ordering Paragraph 2 and added a related finding.

6. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jean Vieth is the assigned ALJ in this proceeding.

Findings of Fact

1. The information in the Adamson, Mosier, and Chacon declarations adequately establishes that some kind of voltage control is necessary to ensure safe and reliable operation of the transmission line and that BIL is not a viable alternative to voltage control equipment such as shunt reactors, etc.

Accordingly, SCE need not complete a BIL study.

2. Subject to final engineering to further refine the voltage control configuration, SCE should be authorized to build not more than 450 Mvar in reactive compensation/voltage control within the Mira Loma Substation footprint as part of its construction of UG5 in Segment 8A.

3. The reasonable maximum cost (or cost cap) set by D.09-12-044, as subsequently modified, should be increased by \$23 million for construction of voltage control equipment as part of UG5.

4. Given the actual construction costs that SCE projects, we should review whether an advice letter review continues to be appropriate procedural mechanism for true up of the reasonable maximum cost for the Project.

5. In SCE's comments on the proposed decision, filed January 2, 2014, SCE voluntarily agrees to file a new petition for modification of D.09-12-044, as modified by D.13-07-018 and by today's decision, when SCE seeks to adjust the finding of maximum cost for the Project.

Conclusions of Law

1. SCE has complied with the Commission's direction to file a petition within 60 days of the issuance of D.13-07-018 to seek specified changes to that decision. SCE's petition complies with the requirements of Rule 16.4(b) of the Commission's Rules of Practice and Procedure.

2. SCE's petition should be granted, in part, as discussed herein; specifically, the requirement to complete the BIL study should be removed and the maximum reasonable cost should be increased by \$23 million for construction of voltage control equipment as part of UG5.

3. Given the minor nature of these design changes over the alternatives already reviewed in the certified EIR and Addendum, additional environmental review under CEQA is not required.

4. The Commission, on its own motion, may consider whether to modify a prior decision; the Commission must provide public notice and appropriate process.

5. This order should be effective immediately to ensure timely completion of the Project.

O R D E R

IT IS ORDERED that:

1. Consistent with these Ordering Paragraphs, the Petition for Modification filed on September 9, 2013, by Southern California Edison Company (SCE) is granted, in part, and Decision (D.) 13-07-018 is modified to:

- (a) remove the requirement that SCE complete the Basic Insulation Level study referred to in Ordering Paragraph 5 of D.13-07-018;
- (b) construct voltage control equipment, also referred to as reactive compensation, within the footprint of the Mira Loma Substation as a part of its construction of underground option UG5 in Segment 8A of the Tehachapi Renewable Transmission Project; and
- (c) increase the reasonable maximum cost to construct Segments 4 through 11 of the Tehachapi Renewable Transmission Project by approximately \$23 million to account for the addition of voltage control equipment.

2. Southern California Edison Company's (SCE's) voluntary agreement to file a new petition for modification of Decision (D.) 09-12-044, as modified by D.13-07-018 and by today's decision, when SCE seeks to adjust the finding of maximum cost for the Project, is accepted and SCE shall comply. Therefore, we need not further review whether D.09-12-044 should be modified to require, expressly, the filing of such a petition for modification rather than an advice letter.

3. Application 07-06-031 remains open.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX

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